

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, and JAMES L. KELLEY,
on behalf of themselves and a similarly
situated class,

Plaintiffs,

Case No. 09-cv-10918
Hon. Paul D. Borman
Magistrate Mona K. Majzoub

v.

Class Action

BORGWARNER, INC., BORGWARNER
FLEXIBLE BENEFITS PLANS and
BORGWARNER DIVERSIFIED
TRANSMISSION PRODUCTS, INC.,

Defendants.

EXHIBIT 10

TO

**PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT
AS TO LIABILITY**

**Excerpts from the "Agreement on Insurance's and Pensions"
11/28/00 (Contract effective 3/12/2001)**

Health Insurance:

Agreed to provide CIGNA information online as soon as it is available.

Effective April 1, 2001 agreed to eliminate age restrictions on cosmetic surgery.

***This should be handled like the "Salaried Plan language" per
George Turczynowsky & given to the Union:***

*Resolution to the item during the 2000 Health Insurance Agreement Negotiations
dealing with the subject of Corrective Cosmetic Surgery.*

*Under the current Health Insurance Agreement (see page 46 of the 3/12/1995
Booklet [latest printed], SECTION II, 3. Corrective Cosmetic Surgery,
SUBSECTION (a.) limited the benefit for Corrective Cosmetic Surgery as
follows:*

".....

- a. congenital anomalies while the individual is less than 12
years of age unless medical necessity for delaying the procedure is
clearly established; or*
- b. conditions resulting from accidental injuries or traumatic
scars."*

***The new language to replace it (from the current Salaried Group
Insurance Booklet page 33) would read:***

***3. Cosmetic Surgery: A benefit will be paid pursuant to the
provisions of Exhibit A, Section II C 2 above, for cosmetic surgical
procedures provided the surgery is for the correction of:***

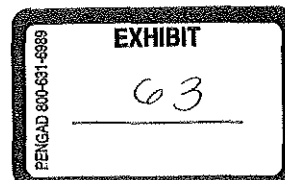
***Cosmetic Surgery (Benefits will be paid for reconstructive surgery
when Medically Necessary to correct a deformity resulting from or
directly related to a congenital anomaly, or when performed to
correct a serious disfiguring condition resulting from either
accidental injury or surgery.)***

**Effective April 1, 2001 agreed to increase lifetime maximum mental health
outpatient visits to 60.**

Was 40 before!

**Effective April 1, 2001 agreed to increase Major Medical Lifetime maximum to
\$1.2 million**

This was \$1.0 million before!



Increase Deductibles/Stop Losses 5%/year beginning in 2003

	Deductible - Individual	Deductible - Employee & Spouse	Deductible - Family (3 people)	Stop-Loss - Individual	Stop-Loss - Family
2000	\$185	\$369	\$554	\$886	\$1,773
2001	\$194	\$388	\$582	\$931	\$1,862
2002	\$204	\$407	\$611	\$977	\$1,955
2003	\$214	\$428	\$641	\$1,026	\$2,052
2004	\$224	\$449	\$673	\$1,078	\$2,155
2005	\$236	\$471	\$707	\$1,131	\$2,263

A New PPO plan will be applicable for New Hires (basically similar to current Salaried PPO Plan, but different Deductibles & Stop-Loss amounts. It also features progression on deductibles and stop losses. Will send details later.

There are also changes to the Life & AD&D for Active employees over the term of the five year Agreement.